

ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
TENESA S. POWELL, ESQ.
Nevada Bar No. 12488
AKERMAN LLP
1635 Village Center Circle, Suite 200
Las Vegas, NV 89134
Telephone: (702) 634-5000
Facsimile: (702) 380-8572
Email: ariel.stern@akerman.com
Email: tenesa.powell@akerman.com

*Attorneys for Plaintiff/Counter-Defendant
Nationstar Mortgage LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

SUNDANCE HOMEOWNER'S
ASSOCIATION, INC.; Jackel PROPERTIES,
LLC; DOE INDIVIDUALS I-X, inclusive, and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No.: 2:15-cv-01310-APG-EJY

**STIPULATION AND ORDER OF FINAL
JUDGMENT CONFIRMING EXISTENCE
AND VALIDITY OF DEED OF TRUST**

JACKEL PROPERTIES, LLC,

Counter-claimant,

vs.

NATIONSTAR MORTGAGE LLC,

Counter-defendant.

Plaintiff Nationstar Mortgage LLC, Sundance Homeowner's Association, Inc., and Jackel Properties, LLC, through their counsel of record, stipulate as follows:

1. This matter relates to the real property located 1390 Hialeah Drive, #A, Las Vegas, Nevada, 89119, APN 162-23-315-057 (the **Property**). The Property is more specifically described as:

1 All that certain real property situated in the County of Clark, State of Nevada, described
2 as follows:

3 PARCEL I:

4 Unit A in Building Fifteen (15) of SUNDANCE PLACE CONDOMINIUM
5 APARTMENT HOMES, as shown by map hereinafter referred to.

6 PARCEL II:

7 An undivided 1/4 interest in and to common area A and undivided 1/148th interest in
8 the Common Area B. Together with an exclusive easement to use Parking Space
9 No. 15A of SUNDANCE PLACE CONDOMINIUM APARTMENT HOMES, as the
10 same is established in the Plan recorded in the Office of the County Recorder of Clark,
11 County, Nevada in Book 15, Page 13 and the Declaration recorded in the Office of the
12 Recorder of Clark County, Nevada in Book 15, Page 13 and the Declaration recorded
13 in the Office of the Recorder of Clark County, Nevada in Official Records Book 283
14 as Document No. 244362, and as amended in Book 299 as Document No. 258785 on
15 February 6, 1973.

16 PARCEL III:

17 THE FOLLOWING APPURTENANCE EASEMENTS:

18 An exclusive and non-exclusive easement for ingress and egress over certain streets
19 and alleys created in the Declaration of Easements, Rights, Conditions and Restrictions
20 recorded in Book 285 as Document No. 244362 of Official Records, in the Office of
21 the County Recorder of Clark County, Nevada and as indicated and delineated relating
22 to the property platted in Book 15 of Plats, Page 2, as Document No. 222445 and in
23 Book 15, Page 13, as Document No. 231155, Clark County, Nevada records.

24 Assessor's Parcel Number: 162-23-315-057

25 2. Nationstar is the beneficiary of record of a Deed of Trust that encumbers the Property
26 and was recorded on April 1, 2005, as Document Number 20050401-0003451, in the Official Records
27 of Clark County, Nevada (the **Deed of Trust**).

28 3. On April 26, 2012, Sundance recorded a trustee's deed upon sale as Document
Number 201204260001870 of the Official Records of Clark County, Nevada (the **HOA Foreclosure
Deed**), reflecting that Sundance purchased the Property at its foreclosure sale of the Property
conducted on March 14, 2012 (the **HOA Sale**).

4. Sundance subsequently transferred the Property to Jackel by quit claim deed recorded on May 1, 2012 with the Clark County Recorder as Instrument No. 201205010002306. Jackel has not transferred its interest in the Property and is still the title holder of record.

5. On July 10, 2015, Nationstar initiated this action against Jackel, Sundance, and Alessi & Koenig, LLC.

6. Nationstar, Sundance, and Jackel have entered a confidential settlement agreement in which they have settled all claims between them in this case. This stipulation and order applies to the matters addressed in this particular case only and has no relevance to any other matter.

7. The Deed of Trust survived and was not extinguished in any capacity by the HOA Sale. The Deed of Trust remains a valid encumbrance against the Property following the recording of the HOA Foreclosure Deed and subsequent quit claim deed to Jackel, and Jackel's interest in the Property is subject to the Deed of Trust.

Respectfully submitted, this 25th day of November, 2019.

AKERMAN LLP

**LEACH KERN GRUCHOW ANDERSON
& SONG**

By: /s/ Tenesa S. Powell

By: /s/ Ryan D. Hastings

ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
TENESA S. POWELL, ESQ.
Nevada Bar No. 12488
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134

SEAN L. ANDERSON, ESQ.
Nevada Bar No. 7259
RYAN D. HASTINGS, ESQ.
Nevada Bar No. 12394
2525 Box Canyon Drive
Las Vegas, Nevada 89128

Attorneys for Nationstar Mortgage LLC

*Attorneys for Sundance Homeowners
Association, Inc.*

MICHAEL F. BOHN, ESQ., LTD.

By: /s/ Michael F. Bohn

MICHAEL F. BOHN, ESQ.
Nevada Bar No. 1641
2260 Corporate Circle, Suite 480
Henderson, Nevada 89074

Attorneys for Jackel Properties, LLC

ORDER

Based on the above stipulation between Plaintiff Nationstar Mortgage LLC (**Nationstar**), Sundance Homeowner's Association, Inc. (**Sundance**), and Jackel Properties, LLC (**Jackel**), the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County, Nevada against the real property located at 1390 Hialeah Drive, #A, Las Vegas, Nevada, 89119, APN 162-23-315-057 (the **Property**) on April 1, 2005, as Document Number 20050401-0003451, was not extinguished, impaired, or otherwise affected by the foreclosure sale of the Property conducted by Sundance on March 14, 2012 or the recording of the HOA Foreclosure Deed on April 26, 2012, as Document Number 201204260001870 in the Official Records of Clark County, Nevada, or the execution and recording of the quit claim deed on May 1, 2012 as Instrument No. 201205010002306 reflecting Sundance's transfer of its interest in the Property to Jackel. Jackel's ownership interest in the Property is subject to the Deed of Trust.

IT IS FURTHER ORDERED that Nationstar shall be entitled to record this STIPULATION AND ORDER OF FINAL JUDGMENT CONFIRMING VALIDITY OF DEED OF TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's Office.

IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court, resolving all claims in this case with prejudice, each party to bear its own fees and costs.

Dated: November 25, 2019.



UNITED STATES DISTRICT JUDGE